

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALAN JUSTIN SMITH,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

Case No. C21-940-TL-SKV

ORDER GRANTING PETITIONER'S
MOTION FOR EXTENSION OF TIME

This is a federal habeas action proceeding under 28 U.S.C. § 2254. Respondent filed his answer to Petitioner's federal habeas petition on January 27, 2022, and properly noted the answer on the Court's calendar for consideration on February 18, 2022. Dkt. 30. On February 9, 2022, Petitioner filed a "Notice of Intent to File Reply" in which he indicated that COVID-19 protocols at his facility, and his own recovery from a case of COVID-19, had limited his ability to work on his case. Dkt. 34. Petitioner explained therein that he hoped to file his response to Respondent's answer by the existing deadline of February 14, 2022, but he requested that a brief extension be granted in the event he was not able to do so. *Id.* On February 22, 2022, Petitioner filed a "VERIFIED Traverse to Answer," and asked that this matter be noted on the Court's calendar for

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1 consideration on February 25, 2022. Dkt. 35. Respondent did not respond in any fashion to
2 Petitioner's request for a brief extension.

3 The Court deems Petitioner's request for a brief extension appropriate under the
4 circumstances detailed in Petitioner's notice of his intent to respond to Respondent's answer, and
5 the Court has accepted Petitioner's traverse for filing. However, the Court declines to adopt
6 Petitioner's proposed noting date of February 25, 2022, as that provides Respondent with an
7 insufficient amount of time to file a reply brief should he desire to do so. The Court will extend
8 the noting date slightly beyond that proposed by Petitioner to give Respondent an adequate
9 opportunity to file a reply.

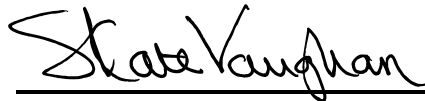
10 Based on the foregoing, the Court hereby ORDER as follows:

11 (1) Petitioner's motion for an extension of time to file his response to Respondent's
12 answer (Dkt. 34) is GRANTED.

13 (2) Respondent's answer to Petitioner's habeas petition (Dkt. 30) is RE-NOTED on
14 the Court's calendar for consideration on **March 11, 2022**. Any reply to Petitioner's traverse
15 must be filed by that date.

16 (3) The Clerk is directed to send copies of this Order to Petitioner, to counsel for
17 Respondent, and to the Honorable Tana Lin.

18 DATED this 1st day of March, 2022.

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21 S. KATE VAUGHAN
22 United States Magistrate Judge
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